

1 STEPHEN H. MARCUS, ESQ. [CSBN 48294]  
2 GITTLLER & BRADFORD  
3 10537 Santa Monica Blvd., Third Floor  
4 Los Angeles, CA 90025  
5 Telephone: (310) 474-4007  
e-mail: smarcus@gblaw.com  
6 Attorneys for Plaintiffs  
LISA LIBERI, LISA OSTELLA, and GO EXCEL GLOBAL

7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA,**  
9 **SOUTHERN DIVISION**

10 LISA LIBERI, et al,

11 Plaintiffs,

12 vs.

13 ORLY TAITZ, et al,

14 Defendants.

CIVIL ACTION NUMBER:

**8:11-cv-00485-AG (AJW)**

**DECLARATION OF PHILIP J.  
BERG**

Date of Hearing: February 3, 2013

Time of Hearing: 10:00 a.m.

Location: Courtroom 10D

**DECLARATION of PHILIP J. BERG**

I, Philip J. Berg, am over the age of 18 and am a party to the within action. I have personal knowledge of the facts herein, and if called to do, I could and would competently testify. I am making this Declaration under the penalty of perjury of the Laws of the United States pursuant to 28 U.S.C. §1746.

1. From May 4, 2009 through July 2013, I was the Attorney of Record for the Plaintiffs' in the within action.

1       2. On January 19, 2012 I served upon Defendants Todd Sankey and The  
2 Sankey Firm, Inc. Plaintiffs' Discovery requests by way of Interrogatories, Request  
3 for Production of Documents, and Request for Admissions.  
4

5       3. I received Defendants Todd Sankey and The Sankey Firm, Inc.'s  
6 responses to Plaintiffs' discovery on or about May 20, 2012 from their Attorney,  
7 Marc S. Colen, Esquire.  
8

9       4. Of importance is Todd Sankey and The Sankey Firm, Inc.'s responses  
10 to Plaintiffs' Request for Admissions. Attached hereto and incorporated in by  
11 reference as **EXHIBIT “1”** is a true and correct copy of Todd Sankey's response  
12 to Plaintiffs' Request for Admissions; and attached hereto and incorporated in by  
13 reference as **EXHIBIT “2”** is a true and correct copy of The Sankey Firm, Inc.'s  
14 response to Plaintiffs' Request for Admissions [“RFA”].  
15

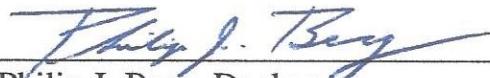
16       5. In Plaintiffs' RFA's I asked both Defendants, Todd Sankey and The  
17 Sankey Firm, Inc. to admit that Neil Sankey was not licensed as an Investigator for  
18 The Sankey Firm, Inc. In response thereto Defendants Todd Sankey and The  
19 Sankey Firm, Inc. admitted that Neil Sankey was not licensed as an Investigator for  
20 The Sankey Firm, Inc. See Todd Sankey's Admission in **EXHIBIT “1”**, page 7,  
21 RFA No.4; and The Sankey Firm Inc.'s Admission in **EXHIBIT “2”**, pages 14-15,  
22 RFA No. 4.  
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1       6. This is important because in e-mails sent by Neil Sankey from his  
2 employee, The Sankey Firm, Inc., e-mail account [nsankey@thesankeyfirm.com](mailto:nsankey@thesankeyfirm.com),  
3 Neil Sankey signed his e-mails "Neil Sankey, Investigator and consultant for The  
4 Sankey Firm, Inc." and placed his contact number as (805) 520-3151, which is The  
5 Sankey Firm, Inc.'s business phone number.  
6  
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8       7. Additionally, Neil Sankey utilized his employee, The Sankey Firm,  
9 Inc.'s, log-in credentials to obtain the confidential reports on Plaintiffs' from his  
10 employer's, The Sankey Firm, Inc.'s, IRBSearch, LLC account.  
11  
12

I declare under the penalty of perjury of the laws of the United States and  
California that the foregoing is true and correct.  
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15       Executed this 14<sup>th</sup> day of December, 2013 in the Commonwealth of  
16 Pennsylvania, County of Montgomery.  
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Philip J. Berg, Declarant

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**EXHIBIT “1”**

Marc Steven Colen, sbn 108275  
Law Offices of Marc Steven Colen  
5737 Kanan Road, Ste. 347  
Agoura Hills, CA 91301  
Tele: 818.716.2891  
Attorney for Defendants Todd Sankey and  
The Sankey Firm, Inc.,

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

Propounding Parties: Plaintiffs  
Responding Party: Todd Sankey

## RESPONSES

REQUEST FOR ADMISSION NO. 1:

Admit YOU were aware and allowed Neil Sankey to use YOUR log in credentials to access Plaintiffs People Finder data and Personal Identifiers through the Reed Defendants (Reed Defendants includes Reed Elsevier, Inc.; LexisNexis Risk and Information Analytics Group, Inc.; LexisNexis Risk Solutions, Inc.; LexisNexis.com; LexisNexis, Inc.; LexisNexis Group; Accurint, ChoicePoint, Inc.) and Defendant Intelius, Inc. without any type of permissible purpose or legal entitlement.

**RESPONSE:** Deny.

**REQUEST FOR ADMISSION NO. 2:**

Admit YOU have accounts with Confi-Chek, U.S. Search, Intelius, Inc., Reed Elsevier, Inc.; LexisNexis Risk and Information Analytics Group, Inc.; LexisNexis Risk Solutions, Inc.; LexisNexis.com; LexisNexis, Inc.; LexisNexis Group; Accurint, ChoicePoint, Inc.)

**RESPONSE:** Deny.

**REQUEST FOR ADMISSION NO. 3:**

Admit YOU were aware and allowed Neil Sankey to use YOUR log-in credentials and obtain Plaintiffs financial records, credit records, employment records, medical records and other records from Intelius, Inc., Reed Elsevier, Inc.; LexisNexis Risk and Information Analytics Group, Inc.; LexisNexis Risk Solutions, Inc.; LexisNexis.com; LexisNexis, Inc.; LexisNexis Group; Accurint, and ChoicePoint, Inc., Intelius, Inc., U.S. Search, KnowX, Confi-Chek, etc. without a permissible purpose or any type of legal entitlement.

RESPONSE: Deny.

1 REQUEST FOR ADMISSION NO. 4:

2 Admit Neil Sankey is not a licensed Private Investigator for the Sankey  
3 Firm.

4 RESPONSE: Admit.

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6 REQUEST FOR ADMISSION NO. 5:

7 Admit YOU are the owner and operator of The Sankey Firm, Inc.  
8 RESPONSE: Admit that I am an owner and am the President of The Sankey Firm,  
9 Inc. As to the rest, Deny.

10

11 REQUEST FOR ADMISSION NO. 6:

12

Admit YOU were aware and assisted Neil Sankey in filing false allegations  
about the Plaintiffs with State and Federal Agencies, including probation  
departments.

14

RESPONSE: Deny.

16

17 REQUEST FOR ADMISSION NO. 7:

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Admit Neil Sankey used YOUR office, YOUR telephone number, YOUR  
Company, The Sankey Firm, and YOUR log-in credentials to obtain the People  
Finder data, financial data, sealed court documents, medical data, and Personal  
Identifiers of the Plaintiffs.

21

RESPONSE: Deny.

23

24 REQUEST FOR ADMISSION NO. 8:

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Admit YOU accessed and obtained the People Finder data, Personal  
Identifiers, Credit Reports, Financial Reports, Sealed Court Documents and other  
documents on the Plaintiffs, Plaintiffs Spouses, Plaintiffs Children and Plaintiffs  
Family members through Intelius, Inc., Reed Elsevier, Inc.; LexisNexis Risk and

1 Information Analytics Group, Inc.; LexisNexis Risk Solutions, Inc.;  
2 LexisNexis.com; LexisNexis, Inc.; LexisNexis Group; Accurint, and ChoicePoint,  
3 Inc., Intelius, Inc., U.S. Search, KnowX, Confi-Chek, etc., without any type of  
4 permissible purpose or legal entitlement and provided Plaintiffs data to the other  
5 Defendants, including but not limited to Neil Sankey

6 RESPONSE: Deny.

7

8 REQUEST FOR ADMISSION NO. 9:

9 Admit Neil Sankey has portrayed himself as a Private Investigator for The  
10 Sankey Firm.

11 RESPONSE: Deny.

12

13 REQUEST FOR ADMISSION NO. 10:

14 Admit YOU were aware Neil Sankey sent an email to Reporter Bob Unruh  
15 with World Net Daily, from the Sankey Firm, about Plaintiff Lisa Liberi that  
16 contained Plaintiff Liberi's full Social Security number, date of birth, spouses  
17 name and Social Security number and other private data.

18 RESPONSE: Deny.

19

20 REQUEST FOR ADMISSION NO. 11:

21 Admit the California Bureau of Security and Investigative Services restricts  
22 Private Investigators from accessing and obtaining a person(s) full Social Security  
23 number and other private identifying information for the purpose of publishing to  
24 harm the individual(s).

25 RESPONSE: Deny.

26

27 REQUEST FOR ADMISSION NO. 12:

28 Admit YOU were aware and allowed Neil Sankey to utilize YOUR log in

1 credentials and obtain information from the California Department of Motor  
2 Vehicles, other person(s), agencies and entities, including the other Defendants, on  
3 the Plaintiffs based on false pretenses.

4 RESPONSE: Deny.

5

6 REQUEST FOR ADMISSION NO. 13:

7 Admit YOU have created irreversible harm and damages to Plaintiffs by  
8 disseminating erroneous information; their People Finder Data and their Personal  
9 Identifiers to an immeasurable amount of people and businesses.

10 RESPONSE:

11 Deny.

12

13 REQUEST FOR ADMISSION NO. 14:

14 Admit YOU did not have any permissible purpose or legal entitlement to  
15 any information regarding any of the Plaintiffs.

16 RESPONSE:

17 Deny that I require any purpose or entitlement to obtain publicly available  
18 information about the Plaintiffs. As to the rest, Deny.

19

20 REQUEST FOR ADMISSION NO. 15:

21 Admit YOU are unable to demonstrate how many people have received  
22 Plaintiffs private personal identifying information and incorrect information  
23 because of the nature of the internet and the numerous ways it was repeatedly  
24 posted on the Internet and sent out by Defendant Orly Taitz.

25 RESPONSE: Admit.

26

27 REQUEST FOR ADMISSION NO. 16:

28 Admit YOU were aware Neil Sankey falsely accused Plaintiff Lisa Liberi's

1 husband of being a “parolee” and diverting funds from Philip J. Berg, Esquire’s  
2 website.

3 RESPONSE: Deny.

4  
5 REQUEST FOR ADMISSION NO. 17:

6 Admit YOU were aware and allowed Neil Sankey to use YOUR log-in  
7 credentials and YOUR resources to assist Defendant Orly Taitz in harming and  
8 causing damages to the Plaintiffs.

9 RESPONSE: Deny.

10

11 REQUEST FOR ADMISSION NO. 18:

12

13 Admit LexisNexis (Reed Elsevier, Inc.) cancelled YOUR subscription in or  
about 2010 to their products due to abuse.

14

RESPONSE: Deny.

15

16 REQUEST FOR ADMISSION NO. 19:

17

18 Admit YOU never reported to law enforcement the misuse of Plaintiffs  
19 People Finder Data and Personal Identifier data that Neil Sankey through YOU and  
the Sankey Firm, obtained and provided to Defendant Orly Taitz and the other  
20 Defendants and allowed Defendant Orly Taitz to distribute Plaintiffs data all over  
21 the Internet, through mass emailing, mass mailing, etc.

22

23 RESPONSE: This Request is so convoluted as to be unintelligible. Based on my best  
possible guess of what it means, I admit that I never reported anything to law  
enforcement concerning any portion of this case. Deny that Neil Sankey did anything  
through me. As to the rest, I have made a reasonable inquiry and the information  
known or readily obtainable is insufficient to enable this responding Party to admit  
or deny. As to the rest, Deny.

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1 REQUEST FOR ADMISSION NO. 20:

2 Admit YOU were aware and allowed Neil Sankey to use your log-in  
3 credentials and access and pull sealed documents including, but not limited to  
4 sealed court documents pertaining to the Plaintiffs, Plaintiffs Spouses, Plaintiffs  
5 Children and Plaintiffs Family Members.

6 RESPONSE: Deny.

7

8 Dated 12 May 2012 by

9   
10 \_\_\_\_\_

11 Marc Steven Colen  
12 The Colen Law Firm  
13 Attorney for Defendants Todd Sankey  
and The Sankey Firm, Inc.

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**EXHIBIT “2”**

1 Marc Steven Colen, sbn 108275  
2 Law Offices of Marc Steven Colen  
3 5737 Kanan Road, Ste. 347  
4 Agoura Hills, CA 91301  
5 Tele: 818.716.2891  
Attorney for Defendants Todd Sankey and  
The Sankey Firm, Inc.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

Lisa Liberi, et al., ) Hon. Andrew Guilford  
Plaintiffs, ) Courtroom 10D  
vs. )  
Orly Taitz, et al., ) Date Action Filed: May 4, 2009  
Defendants ) Trial Date: None

**Propounding Parties: Plaintiffs**

## RESPONSES

**REQUEST FOR ADMISSION NO. 1:**

Admit EXHIBIT "A" attached hereto is an Email sent from The Sankey Firm, Inc. by Neil Sankey.

RESPONSE: Having never seen this email before and upon a reasonable investigation, The Sankey Firm, Inc. cannot admit nor deny.

**REQUEST FOR ADMISSION NO. 2:**

Admit you have accounts with Confi-Chek, U.S. Search, Intelius, Inc., Reed Elsevier, Inc.; LexisNexis Risk and Information Analytics Group, Inc.; LexisNexis Risk Solutions, Inc.; LexisNexis.com; LexisNexis, Inc.; LexisNexis Group; Accurint, ChoicePoint, Inc., and KnowX.

RESPONSE: Deny.

### REQUEST FOR ADMISSION NO. 3:

Admit Neil Sankey and Todd Sankey used your log-in credentials and obtained Plaintiffs financial records, credit records, employment records, medical records and other records from Intelius, Inc., Reed Elsevier, Inc.; LexisNexis Risk and Information Analytics Group, Inc.; LexisNexis Risk Solutions, Inc.; LexisNexis.com; LexisNexis, Inc.; LexisNexis Group; Accurint, and ChoicePoint, Inc., Intelius, Inc., U.S. Search, KnowX, Confi-Chek, etc. without a permissible purpose or any type of legal entitlement.

RESPONSE: Deny.

**REQUEST FOR ADMISSION NO. 4:**

Admit Neil Sankey is not a licensed Private Investigator for The Sankey Firm.

1 RESPONSE: Admit.

2

3 REQUEST FOR ADMISSION NO. 5:

4 Admit you are responsible for your employee(s) actions and inactions.

5 RESPONSE: The Sankey Firm, Inc. has no employees.

6

7 REQUEST FOR ADMISSION NO. 6:

8 Admit you and your employee(s) Private Investigations licensing is governed by the  
9 California Bureau of Security and Investigative Services ["BSIS"].

10 RESPONSE: As to The Sankey Firm, Inc. Admit; The Sankey Firm has no employees.

11

12 REQUEST FOR ADMISSION NO. 7:

13 Admit you and your employee(s) are required to adhere to the California  
14 laws and the guidelines, requirements, and regulations outlined in the California  
15 BSIS.

16 RESPONSE: Admit as to The Sankey Firm, Inc.; The Sankey Firm, Inc. has no  
17 employees.

18

19 REQUEST FOR ADMISSION NO. 8:

20 Admit you and/or your employee(s) accessed and obtained the People Finder  
21 data, Personal Identifiers, Credit Reports, Financial Reports, Sealed Court  
22 Documents and other documents on the Plaintiffs, Plaintiffs Spouses, Plaintiffs  
23 Children and Plaintiffs Family members through Intelius, Inc., Reed Elsevier, Inc.;  
24 LexisNexis Risk and Information Analytics Group, Inc.; LexisNexis Risk  
25 Solutions, Inc.; LexisNexis.com; LexisNexis, Inc.; LexisNexis Group; Accurint,  
26 and ChoicePoint, Inc., Intelius, Inc., U.S. Search, KnowX, Confi-Chek, etc.,  
27 without any type of permissible purpose or legal entitlement and provided  
28 Plaintiffs data to the other Defendants, including but not limited to Neil Sankey.

1 RESPONSE: Deny.

2  
3 REQUEST FOR ADMISSION NO. 9:

4 Admit EXHIBIT "A" attached hereto contains Plaintiff Lisa Liberi's name,  
5 Social Security number(s), date of birth, Spouses name, date of birth and Social  
6 Security number and other confidential information obtained from Intelius, Inc.,  
7 Reed Elsevier, Inc., LexisNexis.com, LexisNexis, Inc., LexisNexis Group,  
8 Accurint, ChoicePoint, Inc., LexisNexis Risk Solutions, Inc., LexisNexis Risk and  
9 Information Analytics Group, Inc.

10 RESPONSE: The Sankey Firm, Inc. has had no involvement with anything to do  
11 Liberi never had any information concerning her. Upon a reasonable investigation,  
12 The Sankey Firm, Inc. cannot admit nor deny.

13  
14 REQUEST FOR ADMISSION NO. 10:

15 Admit when you or your employee(s) investigate an Individual, you and  
16 your employee(s) are required to maintain the Individual(s) private and personal  
17 data, including but not limited to name, address, telephone number, date of birth,  
18 place of birth, Social Security number, mother's maiden names, financial and  
19 credit data, medical data, etc. confidential and not share it with the public.

20 RESPONSE: Deny.

21  
22 REQUEST FOR ADMISSION NO. 11:

23 Admit the California BSIS restricts you and your employee(s) from  
24 accessing and obtaining a person(s) full Social Security number and other private  
25 identifying information for the purpose of publishing the personal data to harm the  
26 individual(s).

27 RESPONSE: Deny.

28

1 REQUEST FOR ADMISSION NO. 12:

2 Admit Neil Sankey and Todd Sankey utilized your log in credentials and  
3 obtained information from the California Department of Motor Vehicles, other  
4 person(s), agencies and entities, including the other Defendants, on the Plaintiffs  
5 based on false pretenses.

6 RESPONSE: Deny.

7

8 REQUEST FOR ADMISSION NO. 13:

9 Admit you and your employee(s) have created irreversible harm and  
10 damages to Plaintiffs by disseminating erroneous information; their People Finder  
11 Data and their Personal Identifiers to an immeasurable amount of people and  
12 businesses.

13 RESPONSE: Deny.

14

15 REQUEST FOR ADMISSION NO. 14:

16 Admit you or your employee(s) did not have any permissible purpose or  
17 legal entitlement to any information regarding any of the Plaintiffs.

18 RESPONSE: Deny that The Sankey Firm, Inc. is not required to any particular  
19 purpose or entitlement to obtain information.

20

21 REQUEST FOR ADMISSION NO. 15:

22 Admit you are unable to demonstrate how many people have received  
23 Plaintiffs private personal identifying information and incorrect information  
24 because of the nature of the internet and the numerous ways it was repeatedly  
25 posted on the Internet and sent out by Defendants Orly Taitz, Neil Sankey and the  
26 other Defendants.

27 RESPONSE: Admit.

28

1 REQUEST FOR ADMISSION NO. 16:

2 Admit you and your employee(s) must have a permissible purpose and legal  
3 entitlement to access any individual(s) Personal Identifiers, People Finder data,  
4 financial data, credit data, medical data, and any other information and data.

5 RESPONSE: Deny that The Sankey Firm, Inc. requires any particular purpose or  
6 entitlement to obtain publicly available information.

7 RESPONSE: Deny.

8

9 REQUEST FOR ADMISSION NO. 17:

10 Admit you and your employee(s) allowed Neil Sankey and Todd Sankey to  
11 use your log-in credentials and your resources to assist Defendant Orly Taitz in  
12 harming and causing damages to the Plaintiffs.

13 RESPONSE: Deny.

14

15 REQUEST FOR ADMISSION NO. 18:

16 Admit LexisNexis (Reed Elsevier, Inc.) cancelled your subscription in or  
17 about 2010 to their products due to abuse.

18 RESPONSE: Deny.

19

20 REQUEST FOR ADMISSION NO. 19:

21 Admit you and your employee(s) failed to report to law enforcement the  
22 misuse of Plaintiffs People Finder Data and Personal Identifier data that Neil  
23 Sankey through you and your employee(s), obtained and provided to Defendant  
24 Orly Taitz and the other Defendants and allowed Defendant Orly Taitz to distribute  
25 Plaintiffs data all over the Internet, through mass Emailing, mass mailing, etc.

26 RESPONSE: This request is unintelligible but to the extent that a response can be  
27 made, The Sankey Firm additionally responds as follows: The Sankey Firm took  
28 no actions to assist Defendant Orly Taitz. As to the remainder, The Sankey Firm

1 has made a reasonable inquiry and the information known or readily obtainable is  
2 insufficient to enable this responding Party to admit or deny.

3

4 REQUEST FOR ADMISSION NO. 20:

5 Admit you and your employee(s) allowed Neil Sankey to use your log-in  
6 credentials and access and pull sealed documents including, but not limited to  
7 sealed court documents pertaining to the Plaintiffs, Plaintiffs Spouses, Plaintiffs  
8 Children and Plaintiffs Family Members.

9 RESPONSE: Deny.

10

11 REQUEST FOR ADMISSION NO. 21:

12 Admit when you and/or your Private Investigator(s) are requested or hired to  
13 perform a job for a client, you and your Private Investigator(s) are required to  
14 ensure your client has a permissible purpose or legal entitlement to the information  
15 sought.

16 RESPONSE: Deny.

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18 REQUEST FOR ADMISSION NO. 22:

19 Admit you and your employee(s) are required to verify the permissible  
20 purpose and/or legal entitlement of your Client to Individual(s) People Finder  
21 Data, Personal Identifier Data, Financial Records, Credit Data, and other  
22 information.

23 RESPONSE: Deny.

24

25 REQUEST FOR ADMISSION NO. 23:

26 Admit you and your employee(s) failed to obtain and/or verify Orly Taitz's,  
27 permissible purpose and/or legal entitlement to Plaintiffs People Finder Data,  
28 Personal Identifier Data, Financial Data, Background Checks, Credit Data, or any

1 other information and/or data.

2 RESPONSE: Deny that The Sankey Firm had anything to do with Defendant Orly  
3 Taitz.

4

5 REQUEST FOR ADMISSION NO. 24:

6 Admit your client, Orly Taitz, did not have any type of permissible purpose  
7 or legal entitlement to any of the Plaintiffs data.

8 RESPONSE: Orley Taitz was never The Sankey Firm, Inc.'s client and on that  
9 basis, Deny.

10

11 REQUEST FOR ADMISSION NO. 25:

12 Admit you and your employee(s) were fully aware Orly Taitz or any of the  
13 other Defendants, did not have a permissible purpose or legal entitlement to any of  
14 the Plaintiffs information or data, but you and your employee(s) provided it  
15 anyway.

16 RESPONSE: Deny.

17

18

19 Dated 10 May 2012 by



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20  
21 Marc Steven Colen  
22 The Colen Law Firm  
23 Attorney for Defendants Todd Sankey  
24 and The Sankey Firm, Inc.

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